



The Graphic Arts Coalition

Representing the Graphic Communications Industries

March 31, 2003

Rebecca Kane
Office of Compliance (MC 2222A)
Office of Enforcement and Compliance Assurance,
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

**RE: Notice of Availability of Enforcement and Compliance History
Online Web Site for 60-Day Comment Period**

Dear Ms. Kane:

The Graphic Arts Coalition (GAC), representing the interests of the Screenprinting and Graphic Imaging Association International, the Gravure Association of America, and the Graphic Arts Technical Foundation/Printing Industries of America, welcomes this opportunity to comment on the above referenced Online Web Site, hereinafter referred to as ECHO. In general, the GAC supports the Environmental Protection Agency's (EPA) initiative to supply the public with readily available compliance information, however, the Agency must ensure that this information is accurate as to not mislead the public and cause erroneous charges against facilities that are in compliance with state and federal regulations or result in the public's misinterpretation of the environmental performance of companies included on the ECHO website.

Information disseminated by the EPA is a critical management tool used to frame environmental problems and solutions, set priorities and maintain compliance with environmental requirements under various environmental statutes and regulations. The key to maintaining economic growth while improving our environment lies, first and foremost, in basing environmental priorities on sound science and quality data. Accordingly, the GAC has a vested interest in the EPA's development of an accurate, complete and meaningful environmental compliance information tool, such as ECHO, that will affect a broad array of industry owners and operators, particularly small businesses of various kinds.

Reporting of Accurate Compliance Information is Critical

With respect to compliance reporting, it is vitally important that the data presented on ECHO be accurate since any mischaracterizations could lead to erroneous charges against regulated entities by the public or result in the public's misinterpretation of the environmental performance of companies included on the

ECHO website. The consequences of posting incorrect data or presenting data in an unclear or misleading fashion are significant. For example, listings with compliance status “unknown” creates an impression that industry has not made substantial progress in implementing environmental controls and improving environmental quality. It also falsely implies that the regulated community is not concerned with protecting public health, safeguarding the community and improving the environment. Incomplete or incorrect compliance information also fosters the impression that state and EPA enforcement is weak or inadequate, particularly when this is not the case. Most importantly, incorrect or misrepresented information could mislead the public and misdirect public resources that could be used more efficiently to protect the air, water and land.

ECHO raises several questions about how the EPA collects and presents information about compliance and enforcement. How do the “High Priority Violator” or “Significant Noncompliance” designations relate to risk? What does ongoing noncompliance mean for one-time events like spills or the failure to file a report? What state must the EPA be at in its compliance process before it says a facility has a “violation?” Should reports about penalties capture penalties “assessed” or “final” penalties, which are usually much lower? If a court or administrative law judge throws out an enforcement action, should the compliance record be expunged from public Web sites like ECHO? How will ECHO characterize “violations” found in inspections that are quickly remedied? The EPA must consider these questions and others before moving forward with such a Web site.

Most importantly, the EPA must improve the quality of ECHO information about violations. The database should distinguish between alleged and actual violations instead of equating mere allegations of noncompliance with actual noncompliance. By failing to distinguish between the two, serious business and community implications arise for a facility that is cited as being in violation when it is not. Posting alleged violations on ECHO as if they were actual, demonstrated noncompliance creates the mistaken impression that the facility committed a violation. This contravenes basic principles of due process. As far as the data is concerned, the facility is guilty until proven innocent. This unfairly characterized the facility as a “violator” and is misleading for the user of the data. Violations should not be listed as such in ECHO until a formal enforcement action is taken. Minor compliance observations should not be listed in ECHO unless they are not corrected in a reasonable period of time.

The EPA also needs to provide additional context on the number of obligations that exist within the major environmental programs. ECHO should not present single isolated violations as broader violations. The database does not distinguish between a single isolated instance of noncompliance within a program imposing a large number of compliance obligations and noncompliance with all program obligations (e.g., noncompliance with an operating permit condition by a facility subject to thousands of such permitting conditions on a daily basis).

ECHO needs a mechanism for indicating when facilities remedy noncompliance. Even when a problem has been speedily corrected by a facility, the ECHO database may indicate ongoing noncompliance for years.

The EPA needs to coordinate closely with states and acknowledge responsibility for all data on ECHO. The EPA must acknowledge that ECHO is an EPA information product and the Agency is responsible for all data summarized, analyzed, aggregated and disseminated by the EPA. State environmental agencies are the primary source of data for the ECHO Web site but because of differences in reporting among states and time delays with states to submit the compliance information to the EPA, misleading information may be present on the Web site.

Data Quality Issues Need to be Addressed

The EPA's data correction process should include specific timetables for correcting errors. The database currently contains misleading and inaccurate data about facilities and no time frame is in place to address these problems. Continual review of the Web site for errors takes away from the primary business of facilities and provides no added protection to the environment. In addition, state agencies that are the primary source of compliance data for the Web site must make corrections whenever errors are reported, presenting an additional burden on understaffed and under funded states.

The EPA also needs to provide a detailed description of the procedures to deal with data correction requests so that facilities can track the request through the entire process. Instead, the burden is on facilities to find errors, report them to the EPA and to check back to see if the errors were every fixed. Given the time it takes the EPA and states to address data correction requests, ECHO should flag information for which correction requests are pending to avoid the unfair consequences of misleading and inaccurate data. Again, the current system places a significant burden on companies – essentially requiring the company to conduct periodic review and quality control of data over which the companies have little or no control. In addition to this “review and correct” burden, ECHO also places a large burden on regulated entities to respond to public questions and potential citizen suits resulting from mistaken conclusions based on inaccurate or misleading information.

A major problem with the ECHO database is that facilities are not given the opportunity to review and correct data before it is posted on the Web site. The EPA must give companies the opportunity to review facility data before it is posted. At a minimum, the EPA should contact a facility when any new or amended information is posted about a facility. This type of system would balance the EPA's responsibility to ensure that data it disseminates is correct with facilities' right to have correct information posted publicly.

To highlight the severity of this problem, a survey of several printing facilities found that the information posted for 25 of the 37 facilities reviewed (68%) was either missing, incomplete, or inaccurate. This high percentage of incorrect information posted on the ECHO site is a clear indication that the current process is flawed and must undergo significant improvement before any such system is deployed. Unfortunately, since the ECHO system has been in operation on a trial basis for some time, this incorrect information about environmental compliance has already been made public and may result in a number of facilities having to do “damage control” to correct the public’s perception about their environmental performance.

The errors we found in our data on the ECHO website include:

- Incorrect identification of the company name
- Printing facilities not listed on the ECHO website
- Compliance status listed as unknown for multiple facilities
- Compliance status erroneously listed as noncompliant
- Compliance issues pre-dating the two year period listed on the website
- Operating facilities listed as closed
- Closed facilities still listed as in operation

Until EPA can resolve all of the data quality concerns associated with the compliance related information, the demographics data should be eliminated from the site. It is not clear how the data for this information is derived and how it is checked for accuracy. Furthermore, the need to have this type of data included in a compliance status database is questioned. The demographics data surrounding the facility does not contribute and information regarding the compliance status of the facility and should be eliminated.

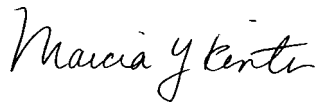
Conclusion

In the pursuit of environmental and economic growth objectives, manufacturers and the general public look to the EPA as an essential source of information. Therefore, the EPA’s approach to the collection, use, and dissemination of environmental information is vital to the business sector. To this end, the EPA needs to ensure that the information it disseminates is accurate, objective, and useful. Information quality is integral to the EPA’s mission, as the agency’s decisions based on that information influences all sectors of the manufacturing community. Complete and accurate information across the full range of environmental information sources is crucial to this effort. Environmental information originates from a broad spectrum of sources, including state and local governments, federal agencies, public interest groups and the private sector. Because of the individual objectives and missions of this heterogeneous collection of entities, enforcement and compliance information dissemination requires affected party involvement at an early state, protection of fundamental interests (e.g., confidentiality, national security) and reasonable recourse for

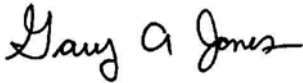
adverse dissemination and errors. The EPA has a real opportunity to advance a strong commitment to data quality through its ECHO Web site while protecting the interests of those it wishes to serve. In order to realize this opportunity, the EPA must ensure that the ECHO site contains complete, accurate, and clear environmental performance information rather than just serving as a method for disseminating unverified compliance data.

Thank you for the opportunity to provide comments on this innovative Agency approach to the dissemination of environmental information. If you have any questions, please feel free to contact any one of the individuals listed below.

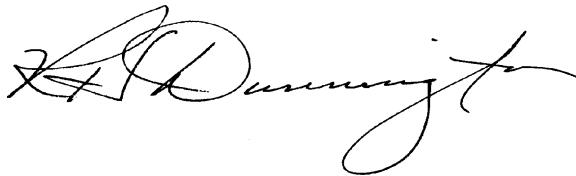
Sincerely,



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